

REMARKS

In this Response and Amendment, claims 1 and 8 have been amended and claim 4 has been canceled. Upon entry of this Amendment, claims 1-3 and 5-15 will remain pending in this application.

Amendments to claims

Claim 1 was amended in response to the Examiner's rejection under 35 USC §112. Such amendment of claim 1 renders claim 4 redundant, and as such, it has been canceled. Method claim 8 has been amended to incorporate the features of independent product claim 1 in light of the Examiner's statement that the method claims could be allowable if dependent upon a product claim.

No new matter has been added by these amendments.

Claim Rejections – 35 USC §112

The Examiner has rejected claims 1-3 and 6-7 under 35 U.S.C. §112, second paragraph, as being indefinite. More specifically, in support of the rejection, the Examiner asserted that while fiber fillers appeared to be essential to the operability of Applicants' invention, fibers were not recited in any of the rejected claims. It is believed that the amendment to claim 1 to recite the fiber fillers previously recited in claim 4 obviates this rejection, and withdrawal is respectfully requested.

Claim Rejections – 35 U.S.C. §§102 and 103

The Examiner has rejected claims 1 and 8 under section 102(b) as being anticipated by Speed, GB 1572906 as well as by Barker, US Patent No. 3,859,233. Further, claims 9-12 were rejected under §103(a) as being unpatentable over Speed, GB 1572906.

However, in addition to the rejections, the Examiner indicated that claims 2-3 and 6-7 would be allowable if rewritten to overcome the rejection under 35 USC §112 and to include all the limitations of the base claim and any intervening claims. Further, the Examiner indicated that claims 4 and 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims and that

method claims could be made allowable if made dependent from an allowable product claim. Finally, the Examiner indicated that claims 13-15 are allowable since the prior art discloses neither a workable grout composition contain [sic] fiber fillers or silanated polymers.

With this Response, Applicants have amended the claims in accordance with the Examiner's comments and suggestions, and as such, believe that these amendments render all rejections of the pending claims moot. Withdrawal of the rejections of record is thus appropriate and respectfully requested.

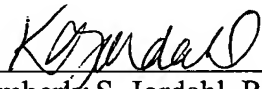
CONCLUSION

In view of the above remarks, it is respectfully submitted that the claims and the present application are in condition for allowance, which allowance is earnestly solicited. In the event that a phone conference between the Examiner and the undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact the attorney at (651) 275-9809.

Respectfully Submitted,

Date: May 25, 2005

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